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Commons. Special Committee on
Dominion Elections Act, 1938.

Minutes of Proceedings and
Reports, No.1,3 1948.

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Canada. Dominion Elections Act, 1938, 1939
Special Committee on, 1947/48

(SESSION 1947-48

HOUSE OF COMMONS

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SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS [and reports]

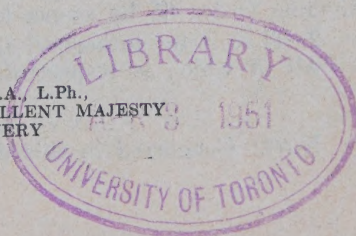
No. 1

THURSDAY, MAY 6, 1948

WITNESS:

Hon. C. W. G. Gibson, P.C., M.P., Secretary of State.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948



ORDERS OF REFERENCE

HOUSE OF COMMONS,

THURSDAY, 8th April, 1948.

Resolved,—That a Special Committee consisting of Messrs: Beaudry, Bertrand (*Prescott*), Brooks, Cote (*Verdun*), Fair, Fournier (*Maisonneuve-Rosemont*), Fulton, Gariepy, Gladstone, Hackett, Kirk, Lockhart, MacInnis, MacNicol, Marier, Marquis, McKay, McLure, Murphy, Mutch, Richard (*Ottawa East*), Richard (*Gloucester*), Robinson (*Simcoe East*), Sinclair, Zaplitny, be appointed to study the several amendments to the Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer, to study the said Act, to suggest to the House such amendments as the Committee may deem advisable, and report from time to time, with power to send for persons, papers and records and to print the proceedings and that the provisions of Section 1 of Standing Order 65 be waived in respect to this Committee.

MONDAY, April 26, 1948.

Ordered,—That the following Bill be referred to the said Committee:—
Bill No. 198, An Act to amend The Dominion Elections Act, 1938.

FRIDAY, 30th April, 1948.

Ordered,—That the name of Mr. Cournoyer be substituted for that of Mr. Cote (*Verdun*) on the said Committee.

TUESDAY, 4th May, 1948.

Ordered,—That the name of Mr. Harris (Grey-Bruce), be substituted for that of Mr. Robinson (*Simcoe East*), on the said Committee.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

REPORT TO THE HOUSE

THURSDAY, May 6, 1948.

The Special Committee on the Dominion Elections Act, 1938, begs leave to present the following as a

FIRST REPORT

Your Committee recommends:

1. That its quorum be reduced to eight members and that section 3 of Standing Order 65 be suspended in relation thereto;

2. That it be authorized to sit while the House is sitting.

All of which is respectfully submitted.

W. E. HARRIS,
Chairman.

NOTE: Concurred in this day.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 277,

THURSDAY, May 6, 1948.

The Special Committee on the Dominion Elections Act, 1938, met this day at 2.30 p.m.

Members present: Messrs. Beaudry, Bertrand (*Prescott*), Brooks, Cournoyer, Fair, Harris (*Grey-Bruce*), MacInnis, MacNicol, Marquis, McKay, McLure, Murphy, Richard (*Gloucester*), Sinclair.

In attendance: Hon. C. W. G. Gibson, Secretary of State; Mr. Jules Castonguay, Chief Electoral Officer, and Mr. Nelson Castonguay, Executive Assistant.

The Clerk read the various Orders of Reference and he invited the members to appoint a Chairman.

On motion of Mr. MacNicol, seconded by Mr. Marquis, Mr. W. E. Harris (*Grey-Bruce*), was unanimously elected Chairman.

The Chairman took the Chair and thanked the members for the honour bestowed upon him.

The Committee then proceeded with its organization.

Mr. Fair moved,

That the Committee request that the quorum of the Committee be eight members and that Section 3 of Standing Order 65 be suspended in relation thereto.

In amendment thereto, Mr. MacInnis moved that the number of the quorum be 10.

And the question having been put on the amendment by Mr. MacInnis, it was resolved in the affirmative.

On motion of Mr. McLure, it was

Resolved,—That leave be sought from the House to sit while the House is sitting.

On motion of Mr. Richard (*Gloucester*) it was

Resolved,—That under the authority granted under the terms of the Order of Reference, 500 copies in English and 200 copies in French of the Minutes of Proceedings and Evidence of the Committee be printed from day to day.

The Chairman explained the program before the Committee.

The question of a Steering Committee was discussed, but was left in abeyance until a later date.

Mr. Jules Castonguay filed with the Committee a number of proposed amendments to the Dominion Elections Act, 1938, and also a copy of a letter from the Deputy Minister of Justice explaining the nature of the changes in Bill No. 198, An Act to amend the Dominion Elections Act, 1938, as compared with the Draft Bill presented to the House at the last session.

It was agreed that copies of the said amendments and letter would be distributed to every member at the earliest possible moment. (*Such distribution was carried out this day.*)

The question of future sittings was discussed. After debate, it was agreed that the date of the next and subsequent meetings would be left to the discretion of the Chairman.

At 12.45 o'clock p.m., the Committee adjourned to meet again at the call of the Chair.

ANTOINE CHASSÉ,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 6, 1948.

The Special Committee on the Dominion Elections Act met this day at 2.30 p.m., for organization.

The CLERK: Gentlemen, may I have your attention. I see a quorum now. I would like first to mention changes in the personnel of the committee. The name of Mr. Cournoyer has been substituted for that of Mr. Cote, and that of Mr. Harris for that of Mr. Robinson.

The first order of business is to elect a chairman.

Mr. MACNICOL: I take much pleasure in moving that Mr. Walter Harris be chairman of the committee. He has had a lot of experience and I know he will render good service.

Mr. MARQUIS: I second the nomination.

Mr. MCKAY: I move that nominations be closed, Mr. Chairman.

Mr. Walter E. Harris, member for Grey-Bruce, Ontario, thereupon assumed the chair.

The CHAIRMAN: Gentlemen, I am very grateful for your kindness, particularly in view of the fact that I am a newcomer to the committee.

I have looked over the records of last year and I hope that the sweet reasonableness that pervaded your meetings last year will continue during the short time we will have on this bill.

The first business is to call for a motion establishing a quorum.

Mr. FAIR: I move that the committee request that the quorum of the committee be eight members and that section 3 of Standing Order 65 be suspended in relation thereto.

The CHAIRMAN: You have heard the motion, gentlemen.

Mr. MACINNIS: What is the membership of this committee?

The CHAIRMAN: Twenty-five.

Mr. MACINNIS: I do not think we could carry on business with a quorum of less than ten, so I move in amendment that the quorum be ten.

The CHAIRMAN: There were two occasions last year when the quorum of ten was not possible. All those in favour of the amendment to make the quorum ten?

Mr. MACINNIS: Ten includes the chairman.

The CHAIRMAN: All those in favour of the amendment.

The amendment is carried. The quorum is ten.

The next motion is for leave to sit while the House is sitting.

Mr. McLURE: I move that leave be sought from the House to sit while the House is sitting.

The CHAIRMAN: Gentlemen, you have heard the motion. All those in favour? Carried.

The next motion will be that of fixing the number of copies of the Minutes to be printed.

Mr. RICHARD (*Gloucester*): I move that under the authority granted under the terms of the Order of Reference 500 copies in English and 200 copies in French of the Minutes of Proceedings and Evidence of the committee be printed from day to day.

The CHAIRMAN: All those in favour?

Carried.

Now, with respect to a steering committee: I understand there was one last year. Do you want one again this year?

Mr. McKAY: I do not think it is necessary, Mr. Chairman.

The CHAIRMAN: We will try to get through in one meeting.

Mr. BROOKS: What is the objection to having a steering committee? We usually have one.

Mr. McKAY: It just means one more meeting.

The CHAIRMAN: We will let that stand for the time being.

Now, with respect to the procedure to be adopted.

Mr. MacNICOL: You would have to have a steering committee or else you would not have any program.

Mr. MacINNIS: Your program is the bill.

The CHAIRMAN: I suggest that we let the matter of a steering committee ride for one meeting anyway.

Now, gentlemen, you have the bill before you, which I am told is not in exactly the form that you passed last year. There are a number of changes, all of them with respect to the matter of draftsmanship or definition.

The Chief Electoral Officer has suggested an amendment to the bill before you. It is not included in Bill 198, so copies will be handed to you now.

Besides that, there is a copy of a letter from the Deputy Minister of Justice explaining the nature of the changes in this bill or the draft bill you passed last year; and copies of that letter will be prepared and put in your boxes tomorrow.

For the moment, I think that is all I have, although I shall take more time later.

Now, the Minister is with us and I wonder if he would like to say a few words.

Hon. Mr. GIBSON: I just want to express to the committee my appreciation of the work it did last year.

I do not think that the further amendments which the Chief Electoral officer has brought forward will take up a great deal of time, but there is one amendment I would suggest for consideration on my own behalf.

Last year the committee recommended that the salary of the Chief Electoral officer, which had formerly been \$8,000, be set at \$10,000.

Now, while we realize that the present incumbent, who has been there for many years, is entitled to that salary, I think it would be wise to put in the bill that the salary should not be in excess of \$10,000 so that if a new appointment be made it won't necessarily be at the maximum, and could be increased up to \$10,000 after some years of service. I bring that suggestion before the committee because I think it is worth consideration.

The CHAIRMAN: Thank you. We will take that up, when we come to section 2.

Now, I have looked over some of speeches made in the House upon second reading, and I find there are a good many suggestions made about this bill. I wonder if any member of the committee has in mind a change in the bill, or something which was not done last year, or something which he thinks should be done.

If so, I wonder if he would be good enough to reduce it to writing between now and the next meeting so that we may have, the next time we meet, definite

suggestions before us for consideration. That would not preclude members from amending anything as they run through the bill; but it would help us to organize our work better.

I doubt if we can have a meeting of this committee before next Wednesday, and that will give you ample time to put in writing any suggested amendments to the bill and matters on which you would like an expression of opinion of the committee to be taken by vote.

I hope we can run through the bill quickly, and then, possibly, any of these motions, where the matter of a recorded vote is required, may be taken up. I am open to suggestions as to the better way of handling the business of the committee.

Mr. MURPHY: As to the proposals as submitted, were any of them considered, or are they based on consideration by the committee last year.

The CHAIRMAN: No, they are wholly minor re-wordings and matters of that kind.

Mr. MACINNIS: Is there any reason why we should not meet on Monday? Wednesday morning is not a very good time for a committee meeting, because, on that day most of the parties hold their caucus meetings. That is the day we hold ours.

The CHAIRMAN: I did not suggest that we meet on Wednesday. We cannot meet on Monday or Tuesday. But I think the time we may lose can be gained by studying the proposed changes in the Act and by drafting any amendments you want.

Mr. MACINNIS: Two of the very good members on this committee are also members of the Industrial Relations Committee.

Mr. SINCLAIR: Almost every committee meets on Tuesday, Wednesday and Thursday, while on Mondays and Fridays nothing is done.

The CHAIRMAN: I myself find that Mondays and Fridays are the best days to meet; but there are reasons why we cannot meet on Monday or Tuesday of next week.

Mr. MACNICOL: I find that Mondays and Fridays are wasted days. I am here myself, and I think those who are here should really be the ones to say. Perhaps we could consider that later on. You are suggesting now next Wednesday?

The CHAIRMAN: Yes.

Mr. MACNICOL: Then I move that we have our next meeting on Wednesday next.

Mr. MACINNIS: Did you say you could not be present on Monday, Mr. Chairman?

The CHAIRMAN: No, I did not say that at all. What I said was that there were reasons why we could not meet on Monday and Tuesday of next week. But after that we would probably meet at odd times which would fit in with these other committees.

Mr. MACNICOL: We could always take a show of hands when a meeting is over. I will move that we meet next Wednesday.

The CHAIRMAN: Would you leave it to my discretion to fit in time? I shall decide on Tuesday, for either Wednesday or Thursday, to suit everybody.

Mr. MURPHY: Wednesday morning is our party's caucus.

The CHAIRMAN: I know. But the main thing is to advance the work of the committee and get into my hands, as soon as possible, your amendments to the bill.

Mr. MURPHY: Perhaps we could sit on Wednesday afternoon.

The CHAIRMAN: Is there anything further?

Mr. MACNICOL: I move we adjourn.

The CHAIRMAN: Very well, carried.

The committee adjourned.

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Canada: Dominion Elections Act, 1938,
Special Committee on, 1947/48

(SESSION 1947-48
HOUSE OF COMMONS

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SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938)

MINUTES OF PROCEEDINGS

No. 3

TUESDAY, JUNE 8, 1948

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948



REPORTS TO THE HOUSE

FRIDAY, June 11, 1948.

The Special Committee on The Dominion Elections Act, 1938, begs leave to present the following as its

SECOND REPORT

Your Committee has considered Bill 198, An Act to amend The Dominion Elections Act, 1938, and has agreed to report same with amendments.

All of which is respectfully submitted.

W. E. HARRIS,
Chairman.

FRIDAY, June 11, 1948.

The Special Committee on The Dominion Elections Act, 1938, begs leave to present the following as its

THIRD REPORT

Pursuant to the Order of Reference of the House dated 8th April, 1948, your Committee has considered the several amendments to The Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer, and has studied the said Act.

The conclusions of your Committee in the matter are contained in Bill 198, An Act to amend The Dominion Elections Act, 1938, as amended, the adoption of which is recommended to the House in a separate report.

Copy of the printed evidence in connection therewith is being tabled.

All of which is respectfully submitted.

W. E. HARRIS,
Chairman.

MINUTES OF PROCEEDINGS

ROOM 430, HOUSE OF COMMONS,
TUESDAY, June 8, 1948.

The Special Committee on The Dominion Elections Act, 1938, met this day at 8.30 o'clock p.m. Mr. Walter E. Harris, Chairman, presided.

Members present: Messrs. Beaudry, Bertrand (*Prescott*), Cournoyer, Fair, Gladstone, Harris (*Grey-Bruce*), Kirk, MacInnis, MacNicol, Marquis, Mutch, Richard (*Gloucester*), Richard (*Ottawa East*), Zaplitny.

In attendance: Mr. Jules Castonguay, Chief Electoral Officer, and Mr. Nelson Castonguay, Executive Assistant.

The Committee resumed the adjourned study of Bill No. 198, An Act to amend The Dominion Elections Act, 1938.

On Section 6.

Subsection (1) was adopted without change.

Subsection (2) on motion of Mr. Mutch, was amended by adding to paragraph (i) thereof the following:

"Provided that this paragraph shall cease to have effect on the 31st day of March, 1949, and be deemed to have been repealed as from that date."

Subsection (2) as amended, was adopted.

On motion of Mr. Zaplitny, the Committee resolved to reconsider subsection (1). Whereupon, Mr. Zaplitny moved that paragraph (a) thereof be changed to read 18 years instead of 21 years.

After some debate thereon, and the question having been put on the amendment by Mr. Zaplitny, it was resolved in the negative on the following division: Yeas, 2; Nays, 9.

Subsections (3) and (4) were in turn adopted.

Section 6, as amended, was adopted.

On Section 37.

Mr. Jules Castonguay was called. Witness read a statement which appears in the Minutes of Evidence.

Section 37 was adopted.

On motion of Mr. Mutch, it was,

Resolved,—That Section 2 of the Bill be repealed and the following substituted therefor:

2. (1) Subsection one of section four of the said Act is repealed and the following substituted therefor:

Rank, powers, salary and tenure of office of Chief Electoral Officer.

4. (1) The Chief Electoral Officer shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of not less than eight nor more than ten thousand dollars

per annum to be fixed by Order of the Governor in Council. He shall be eligible as a contributor under and entitled to all the benefits of the Civil Service Superannuation Act but, until he has attained the age of sixty-five years when he shall be compulsorily retired, he shall be removable only for cause in the same manner as a Judge of the Supreme Court of Canada.

Coming into force.

(2) Subsection one of this section, and subsection one of section four of the said Act as enacted by subsection one of this section, shall become operative only upon the retirement of the person who is Chief Electoral Officer at the date of the coming into force of this Act.

Salary.

(3) The person who is Chief Electoral Officer at the date of the coming into force of this Act, shall be paid a salary of ten thousand dollars per annum as from the first day of July, 1947.

Section 2, as amended, was unanimously adopted.

The preamble and title of the Bill was adopted, and the Bill, as amended, ordered to be reported to the House.

At 9.30 o'clock p.m., the Committee adjourned *sine die*.

ANTOINE CHASSÉ,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

June 8, 1948.

The Special Committee on the Dominion Elections Act met this day at 8:30 p.m. The Chairman, Mr. W. E. Harris, presided.

The CHAIRMAN: Gentlemen, I think there were three sections of the bill that we had not touched on. I am going to call section 6. I understand Mr. Mutch has a motion to make with respect to section 6.

Mr. MUTCH: Mr. Chairman, I move that the following be inserted as paragraph 8 in section 14 of the Dominion Elections Act as set out in section 6 of bill 198.

Paragraph (i) of subsection 2 of the said section 14 is repealed as of the 31st day of March, 1949.

Mr. BERTRAND: What section did you say?

The CHAIRMAN: If you will allow me, it is on page 3 of the bill.

Mr. MUTCH: Section 6, subsection (i).

The CHAIRMAN: Subsection (i) reads:

Every person who is disqualified by reason of race from voting at the election of a member of the legislative assembly of the province in which he or she resides and who did not serve in the naval, military or air forces of Canada in the war 1914-18, or in the war that began on the 10th day of September, 1939.

Mr. MUTCH: The effect of my motion would be to remove the disqualification which presently exists in the Act at the same time that the order in council imposing restrictions on the Japanese Canadians would be removed from the legislation.

Mr. BERTRAND: From what?

Mr. MUTCH: From the present legislation; that order in council will expire.

Mr. BERTRAND: As from the 31st of March, 1949?

Mr. MUTCH: Yes.

The CHAIRMAN: If we take section 6 of the bill and run through it by sections we have the picture before us. Section 6 is a restatement of section 14 of the Act, and sets out the qualifications of a voter. Subsection (1) gives the qualification of a British subject over 21 years of age, ordinarily resident 12 months, and at a by-election resident until polling day. Shall subsection (1) of section 14 carry?

Carried.

Subsection (2) sets out the disqualification of an Indian person who did not serve in the war, and (i) is the subsection which presently disqualifies persons of Japanese race.

Mr. MACINNIS: Mr. Chairman, it is true that because of amendments made to the British Columbia Elections Act at the last session this year that at the moment only persons of Japanese origin are disqualified, but as the paragraph now stands it disqualifies any voter that any province may disqualify by reason of race.

I was going to move the deletion of this clause if Mr. Mutch had not moved his motion, but at the moment I think I shall support his amendment, although I do not see any reason in the world why it should remain in the Act even until March, 1949. It is a contradiction of the principle of Canadian citizenship. As a matter of fact, it sets up first- and second-class citizenship. I oppose that, and the mere fact that this government has seen fit to continue the disabilities under which persons of the Japanese race now live in Canada is no reason why we should leave this in the Act.

I should like to quote an editorial that appeared on the editorial page of the *Winnipeg Free Press* of April 19, 1948, on this matter. It is entitled: "No votes for B.C. Japanese." It reads:

The British Columbia government has finally decided not to give the vote to Canadian Japanese. Unlike the Chinese, and the immigrants from India, who were at last enfranchised in British Columbia last year, the Japanese are to remain second-class citizens for some time yet.

The government's excuse for this purely racial discrimination is remarkably frail. It says in effect that since the federal government is still forbidding Japanese to enter the Pacific coast area, the legislature has no right to allow such people to enjoy the rights of citizenship. Thus the extension of the federal government's regulation against the Japanese on the coast has produced an immediate evil, apart from the general evil of any discrimination against any minority.

This overlooks the fact that there are at the present time Canadian citizens of Japanese origin residing in the city of Vancouver, and because of this section of the Act they are singled out as people who cannot vote in the election that is being held there today. I think it is an outrage that Canadian citizens should not accept. I cannot see how it can be accepted by anyone who has any pretensions at all to democratic procedure, let alone any pretensions to liberalism. Then it overlooks the fact, too, that the restrictive order which prevents persons of Japanese race going to the Pacific coast in British Columbia only covers a part of British Columbia which is 100 miles from the coast inland, and there are persons of Japanese origin who have resided in the interior of British Columbia for years, who settled there, who were born there, who have reached manhood and womanhood there. In the Okanagan valley in the Yale riding where an election was held the other day there are Canadian citizens of Japanese origin who were born and brought up there and yet because of this section were not allowed to vote.

I appreciate the amendment proposed by Mr. Mutch. It at least gives an indication that we are not going to stand any longer for this after the orders in council affecting the Japanese have expired on March 31, 1949, but I reserve the right to move for the deletion of this when the bill comes before the House.

The CHAIRMAN: I think we appreciate all the arguments Mr. MacInnis has made. It may be we are in a rather awkward position of having a decision on, shall we say, emergency powers with respect to these persons, but the House has already determined to carry on those powers until the 31st of March, 1949. For that reason I thought it might be desirable that this committee would consider the releasing of this disqualification at that time, having in mind the fact that we would be in a somewhat awkward position if we gave the vote to these people now and there happened to be a general election between now and the 31st of March. You would have the very anomalous position of a person being entitled to vote and yet somewhat restricted in his activity, and perhaps kept in an area where he normally would not want to vote.

I appreciate all the arguments Mr. MacInnis has made, and I am quite sure if the House were to reverse the decision about extending the controls

over certain Canadian people of Japanese origin that this committee would be glad to go the extra step of striking out this disqualification entirely, but having in mind that decision of the House I think this probably would be the most acceptable decision the committee could make under the circumstances. I do not want to argue the case myself. Are there any other comments?

Mr. MUTCH: A year ago I think I made my own views on this matter very clear, and if I did not they are expressed more capably than I could do it in the excerpt from the *Winnipeg Free Press* which Mr. MacInnis read a short time ago. I am one of those who thinks he realizes some virtue in being practical. I feel myself there is an inconsistency. I am not very happy about the extension of the powers which the House agreed to until March, 1949. I think my views with respect to that are fairly well known. On the other hand, I do not want to be in a position of tolerating or affirming the situation on one side and changing it on the other, particularly when the change deals with the right of individuals to vote and, when we are dealing with a situation where an election is not an improbability in the foreseeable future. Therefore, believing there is some virtue in consistency, I have moved this amendment. After all, it is a clear and definite declaration that as of a fixed time, this discrimination with which I am in complete disagreement shall cease to exist. To me, that represents a victory.

I think, perhaps, in the light of the attitude adopted by the House previously it is as much as we can get. Therefore, since it is a step forward, my own attitude towards it is very much the attitude mentioned a moment ago by Mr. MacInnis. I am going to advocate what I can get because it does introduce finality to the matter, even though that finality is not of as today.

Mr. ZAPLITNY: I was not here when the amendment was moved.

Mr. MUTCH: The motion is to strike out this restrictive clause concerning Japanese Canadians, as of 31st March, 1949. In other words, this restriction on Japanese Canadian voters will lapse, if my amendment carries, at the date when the order in council restricting the movement of Japanese lapses, the 31st of March, 1949.

Mr. MACINNIS: Paragraph (i) on page 3 of the bill.

The CHAIRMAN: Have you the bill before you, Mr. Zaplitny?

Mr. ZAPLITNY: Yes. You are speaking of the amendment or of the clause as it is in the bill?

The CHAIRMAN: The amendment is to add a clause (8) to section 14 on page 3 and that clause (8) will read this way: Paragraph (i), subsection (2), which you see before you is repealed as of 31st day of March, 1949.

Mr. ZAPLITNY: I am just asking this for the purpose of obtaining information; would that be in order? You have set a sort of delayed action clause into the bill. I am a little doubtful whether or not that kind of clause could be put in a bill?

The CHAIRMAN: Yes, in every bill we have clauses like this, that this shall come into effect on a certain date except section so and so which will come into force on a different date.

Mr. ZAPLITNY: You may reserve sections?

Mr. MUTCH: Yes.

Mr. MACINNIS: May I say a word further? I see no contradiction in deleting this clause without waiting for the expiration of the present disabilities. The Chairman mentioned that we might find ourselves in the position that, in a general election, these people would be allowed to vote and yet would not be—I am summarizing and perhaps not correctly—and yet would not be allowed to travel or reside on the Pacific coast of British Columbia without a permit.

Really, there is no contradiction at all there because if there is a general election, since there is no other province with this restriction or this disqualification, what will happen is that persons of the Japanese race in every other part of Canada will vote except in the province of British Columbia. Therefore, if we delete this clause, regardless of what happens to the order in council, those people, wherever they reside, if they are otherwise qualified will be allowed to vote. I just want to point that out.

I should like Mr. Mutch to feel that I greatly appreciate the step he has taken in this matter. I am not finding fault with him at all. As a matter of fact, it is a real effort to bring an end to this injustice.

The CHAIRMAN: It has been suggested by the draftsmen we can possibly improve the manner of carrying out this amendment. Perhaps Mr. Mutch would approve if we added this as a proviso to paragraph (i) rather than as a separate section of section 14. It would simply be stated that provided, however, this subsection shall be repealed as of—

Mr. MUTCH: Will be repealed effective this date?.

The CHAIRMAN: Yes.

Mr. MUTCH: It seems to me that is probably a little less cumbersome.

The CHAIRMAN: May we leave it this way; when I ask for the vote everyone in the committee knows what we intend to effect, whether we write it as a separate section to 14 or whether we add it to the present subsection (i). So long as we have it in acceptable form to the law clerk, I suppose it will be all right.

Mr. MUTCH: It is a matter of simplifying the thing. The effect of that suggestion will be to render this clause inoperative. It is a matter of phraseology. The law officers of the Crown can do justice to it. The principle is not changed.

The CHAIRMAN: Will subsection (2) as amended carry, either with the additional section (8) or simply with the addition to those words in subsection (2)?

Carried.

Subsection (3) repealed certain sections in section 14.

Mr. MACINNIS: Mr. Chairman, I think Mr. Zaplitny had an amendment to paragraph (a) of subsection (6).

The CHAIRMAN: Which do you mean?

Mr. MACINNIS: In section 6.

Mr. ZAPLITNY: The amendment I have is identical to the one moved by Mr. McKay, I believe, last year in connection with the age at which persons may vote. I was going to wait until we had finished with the subject matter with which we are dealing.

If it is in order, I should like to move that section 14, subsection (1), (a) of the Dominion Elections Act, as amended by section 6, subsection (1) of bill 198, be amended by deleting from line 10 the words "twenty-one" and substituting therefor the word "eighteen."

Now, I am not going to repeat the argument put forward last year except to say that since the committee sat last year we have found no reason for changing our mind on the subject. We still feel persons of the age of eighteen, in these days, are qualified to vote.

The CHAIRMAN: I take it the committee will give Mr. Zaplitny leave to revert to the item we have passed for the purpose of making his motion?

Mr. MUTCH: We might as well do it here as in the House.

Mr. FAIR: Mr. Chairman, I do not think this is good business. At eighteen years of age many of our young people are still at school. In school, we have definite information that there are ideas put into the heads of young people which are not good for them or good for the country. At the age of eighteen a person is not legally responsible, if my knowledge of law is correct. I think a person has to be twenty-one years of age.

If a person is allowed to vote at eighteen, then that person should also be eligible for election to the House of Commons or the provincial legislature. If a person is eligible for election to the House of Commons then that person is also eligible for appointment to the Cabinet. And I think when you take this all into consideration that we should watch our step before making this change. It was suggested in the argument last year and I think on other occasions that people of eighteen are eligible for service in the armed forces and if they are good enough to go to war they should be good enough to have the franchise. That is not quite correct. In the army they are not on their own. They are entirely under orders, they merely have to do what they are told; and I think it would be a step toward getting on to dictatorship, in my opinion, to have people of this age given the vote.

Mr. MARQUIS: Mr. Chairman, I had a few words to say last year when I objected to a motion of this kind. I think we have to recognize that there is a distinction between wartime and peacetime. When a young man of eighteen has enlisted, naturally he has the right to vote. His government gave him that right to vote. It is a fact that he is in the army under discipline; but now, when we are talking about giving the right to vote to a young man of eighteen we have to consider if this young man has full capacity. He does not obtain full civil rights in practically all the provinces until he reaches the age of twenty-one. If we give the right to vote to a young man of eighteen we will have the following situation; this young man would not have the right to operate a business for himself, yet he will have the right to decide which government will administer the affairs of the country. Without taking up further time, Mr. Chairman, I think that I will leave it this way, I will not repeat what I said last year, but for the reasons I indicated then I cannot support the amendment.

Mr. RICHARD (Gloucester): Mr. Chairman, I feel the same. It is not in my opinion because we haven't thousands of young men who couldn't exercise that right to vote. I have known a great many young men who are well versed in public affairs, but there are too many disabilities existing today, they are too numerous for me to enumerate, from the political point of view; and, as Mr. Marquis says, a person does not reach his majority until he is twenty-one, he can neither sue nor be sued except through a guardian, someone who represents him. For instance, if he transfers any property it is not valid; I mean, it can be voided; the young man may change his mind after he becomes of age and he may repudiate the deal. There are certain limits to his responsibility while he is still a minor. If we are going to give them the right to vote, then we should have to remove from them all these disabilities and call him a major as soon as he has been given that right to vote. Personally, I do not think we should consider giving him the right to vote. I do not think anyone would be very much hurt by it. I think probably our young men will take a more serious part in activities as they approach their majority, but we must not forget the fact that they are still under civil disabilities.

Mr. MACINNIS: Mr. Chairman, I had not intended to say anything at this time because I think pretty near all of it was said last year; but when Mr. Fair suggests that giving people the vote at eighteen might tend to dictatorship, I think that is going a little too far.

Mr. MARQUIS: And I object too, I think that is not a fair statement.

Mr. MACINNIS: It is not a fair argument. Surely, if you are not going in the direction of dictatorship when you extend the franchise. If you had a clause here, or an amendment, to suggest that only persons at the age of forty-one would be eligible to vote there would be some quite logical support for the argument which said that that was a trend towards dictatorship. Then, the question of their civil rights in my opinion does not enter into it at all. Everyone will recall that for a great many years we did not extend the right to vote to women, and that when first the vote was given to women in the United Kingdom it was limited to age thirty.

Mr. RICHARD (Gloucester): And we removed the legal disability first.

Mr. MACINNIS: That should be remembered, and there were lots of disabilities so far as women were concerned. There were a lot of those disabilities some of which were removed a long time before we gave them the right to vote. Every extension of the vote has been done grudgingly. All people in authority are disinclined to extend the privilege of citizenship in its full measure to others. Now, the question is, is a person at the age of eighteen capable of deciding as well as a person at the age of twenty-one, or any age over that—say a person of ninety-six or one hundred and two—are they able to decide who is the best person to represent them in our parliament and our legislatures.

Mr. GLADSTONE: Why not make it sixteen?

Mr. MACINNIS: Well, why not make it thirty. The age was arbitrarily set anyway when determining legal status.

Mr. MUTCH: It is related to legal responsibility.

Mr. MACINNIS: The responsible age of twenty-one was arbitrarily set. No one can say that a person at the age of twenty years and six months is not equally responsible in fact.

Mr. MARQUIS: But it was done by the proper jurisdiction.

Mr. MACINNIS: Quite, and this would be the proper jurisdiction if we did it. Remember, judges are not allowed to vote but they are allowed to make contracts. This question of allowing the right to vote has nothing to do with all these other questions and it is purely a hesitation on the part of legislators to extend the right to elect members of parliament to a large number. Where, as I have said, persons of eighteen years of age are considered to be wise enough and capable of defending their country; if that is the case, then they have the right to say as to why the country goes to war before they are asked to risk their lives on the field of battle.

The CHAIRMAN: I think you discussed this thoroughly last year.

Mr. FAIR: In my province, Alberta, we have fixed the age of nineteen as carrying the right to vote on provincial matters. In the dominion house we are dealing with affairs which are not provincial. But, as for the argument put up by Mr. MacInnis, I cannot accept it. I feel I am quite justified, and I feel I am on the right track, when I say we should not allow the vote to go to those who are still minors. If you are going to bring it down to eighteen, why not bring it down to fifteen; and if we bring it down to fifteen why not bring it down to twelve. You have an elastic mind, and these elastic minds are possibly the cause of a lot of our difficulties today.

The CHAIRMAN: Now, gentlemen, you discussed this last year. Shall we have the question put?

Some Hon. MEMBERS: Question.

The CHAIRMAN: The question is on the amendment to subsection 1 (a); and it has been moved by Mr. Zaplitny that the words "twenty-one" shall be

deleted and that the word "eighteen", shall be substituted therefor. Will those in favour please indicate? Those opposed?

I declare the amendment lost.

Then we have to consider paragraph 3, which says that paragraphs K and L of subsection 2, of 14 are repealed. K has to do with persons who are confined in an institution by reason of poor laws and the like; L has to do with persons disqualified from voting by reason of employment for pay or reward and last year the committee went over this matter and decided to repeal this section. Shall subsection 3 carry?

Carried.

Subsection 4 has to do with the qualifications of a veteran under the age of 21. Shall subsection carry?

Carried.

Now we move from section 6 to section 37 of this bill, dealing with voting in advance polls. We held this matter over as a result of the desire of Mr. Robinson and others to make representations with respect to mariners. We have Mr. Castonguay here and if there are no questions with respect to the section, we will ask Mr. Castonguay to give an answer to the representations made by Mr. Robinson.

Mr. MUTCH: On what page does the section appear?

The CHAIRMAN: Page 24.

Mr. MUTCH: Thank you.

Mr. CASTONGUAY: At one of the last meetings of the committee I was asked to prepare a statement with regard to the suggestion made by Mr. Robinson. I have given this matter a good deal of thought and I have prepared a statement on the subject which reads as follows:

Under the present election procedure, it is rather difficult for me to offer a constructive suggestion to provide special voting facilities to the sailors on the Great Lakes who are absent during long periods from their home polling divisions.

These sailors are entitled to the privilege of voting at advance polls, but it is obvious that these advance polls do not offer sufficient convenience to these sailors since, in order to vote at advance polls, they must be in their home town during one of the three days that such polls are open. Moreover, it often happens that no advance poll is authorized to be established in the place of ordinary residence of a considerable number of these sailors.

Proxy voting is prescribed in the laws of Ontario for mariners, but the Chief Election Officer for that province informed me that while he did not know exactly the number of sailors who voted by proxy at the 1945 general election, he was under the impression that only a very small number of sailors availed themselves of that privilege.

It has been suggested that the sailors on the Great Lakes might be allowed to vote under a postal voting system such as they have in Australia. A system of this kind would require extensive amendments to the Dominion Elections Act.

Moreover, such a system requires a continuous list of electors, such as they have in Australia, and a perusal of the relevant regulations shows that postal voting in Australia is a complicated procedure.

Furthermore, if postal voting was provided for sailors on the Great Lakes it seems to me that it would necessarily have to be provided for every other class of electors who are absent from their home polling divisions on polling day.

It has also been suggested that sailors on the Great Lakes might be allowed to vote as absentee electors, as is done in the province of British Columbia.

A procedure of this kind would also require extensive amendments to the Dominion Elections Act. If sailors on the Great Lakes are allowed to vote as absentee electors, the same privilege would have to be provided for every other class of persons who are absent from their home polling divisions on polling day. Moreover, each of the 35,000 ordinary polling stations established in Canada would have to be provided with twice as many different forms and envelopes as they are now furnished, and a great deal of confusion would inevitably result. This is what happened at the 1935 general election.

At present, a deputy returning officer is furnished with no less than 30 different forms varying in number, and I do not consider it advisable that any deputy should be required to handle a larger number.

For the general election of 1935 the Dominion Elections Act provided a method of absentee voting. There were 5,334 absentee voters' ballots cast on that occasion, of which 1,533 were rejected. As stated in my report to the Speaker of the House of Commons after the 1935 general election, I am not in favour of the adoption of absentee voting at Dominion elections such as prescribed by Chapter 50 of the Statutes of Canada, 1934.

Unless the committee is prepared to recommend some very extensive amendments to the Dominion Elections Act, I do not see how it will be possible to provide special voting facilities to the sailors on the Great Lakes who are absent during long periods of time from their home polling divisions.

The CHAIRMAN: Now, gentlemen, with the statement in mind, and having section 37 in front of you shall the section carry?

Carried.

Now we go back to section 2 of the bill, having to do with the appointment of the office of chief electoral officer. There has been a suggested amendment which I shall read and ask someone to move. This is an amendment to the present bill

2. (1) Subsection one of section four of the said Act is repealed and the following substituted therefor:

4. (1) The Chief Electoral Officer shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of not less than eight nor more than ten thousand dollars per annum to be fixed by Order of the Governor in Council. He shall be eligible as a contributor under and entitled to all the benefits of the Civil Service Superannuation Act but, until he has attained the age of sixty-five years and when he shall be compulsorily retired, he shall be removable only for cause in the same manner as a Judge of the Supreme Court of Canada.

(2) Subsection one of this section and subsection one of section four of the said Act, as enacted by subsection one of this section, shall become operative only upon the retirement of the person who is Chief Electoral Officer at the date of the coming into force of this Act.

(3) The person who is Chief Electoral Officer at the date of the coming into force of this Act, shall be paid a salary of ten thousand dollars per annum as from the first day of July, 1947.

Mr. MUTCH: I would so move.

Mr. MACINNIS: Mr. Chairman, would you repeat the last part of the section again?

The CHAIRMAN: "The person who is chief electoral officer at the date of the coming into force of this act, shall be paid a salary of ten thousand dollars per annum as from the first day of July, 1947."

Mr. MACINNIS: As you all know, I have had no legal training, but it seems to me that this is rather strange drafting for this section. This Act may not come into force for some little time. Before it does come into effect the man holding office at the moment, for whom it is provided, might pass out of the picture—I hope he will not—and if someone else takes his position he will be holding office either as the acting chief electoral officer or else as the actual chief electoral officer. It seems to me that the section should be redrafted, first of all so as not to put the chief electoral officer on the same basis as the deputy minister. I think he should be put on the same basis as a judge because he is in a much different position from a deputy minister.

Mr. MUTCH: For the purposes of tenure of office he is on the same basis as a judge in the amendment.

Mr. MACINNIS: Yes, he is on the same basis as a judge, but as a matter of fact he not only, in my opinion, in a certain sense has an administrative position, but he has a sort of judicial position as between the various political parties, and he must have the same independence as a judge, and he should, I think, be put more on that basis. The salary that we accepted last year, perhaps, should be changed so that a new man coming in would not come in at the higher salary immediately, but I have no idea at the moment in my mind of the drafting. Still, I think it is very awkward drafting.

The CHAIRMAN: Now, the problem we had to solve in the drafting was just with regard to the objections you have talked about, namely, that we are providing for the appointment of a future chief electoral officer, presumably, and yet we want to retain the privileges and rights of the incumbent. I agree that it would be an awkward business if anybody tried to appoint a new chief electoral officer before this Act came into force; but this Act will come into force, presumably, in the course of the next four weeks, and I think we can count on Mr. Castonguay not resigning in that time.

Mr. MACINNIS: You are not counting on Mr. Castonguay; you are counting on the Almighty.

Mr. MUTCH: If Mr. Castonguay should be so inconsiderate as to die in the interval, this other situation can be avoided by refraining from making the appointment until the Act comes into effect.

The CHAIRMAN: I was going to add that and go one step further and say that in the event of these rather unexpected things—

Mr. MACINNIS: Undesirable.

The CHAIRMAN: —undesirable things happening; should Mr. Castonguay cease to hold office and should the government inside of four weeks appoint a successor, I should think that when the Act came into force in any event the new man would revert to the provisions made for him at the preceding session and at the most he might have the advantage of \$2,000 for a short period between now and the coming into force of the Act.

Mr. MUTCH: And if there is an election within the first four months of the appointment he will certainly earn it.

The CHAIRMAN: I agree the section sounds awkward, but it has been drafted by the people who are employed for that purpose and I think it carries out the intention of the persons who wished to have it in this form. As to the other argument about the position conforming to a judgeship, of course that is an argument as to his position. This does not take away from him any of the attributes of his office nor of his authority.

Mr. MUTCH: It protects his tenure in office as though he were a judge.

The CHAIRMAN: It has been moved by Mr. Mutch that section 2 of the bill shall read as I have read it.

Carried.

Now, before I call the title this is your opportunity to bring up any subject connected with the original bill which you want to introduce. There were a number of suggestions made in the debate on second reading of the bill in the House and I presume that if members of this committee do not wish to bring the questions up it is no affair of mine; but I will call the preamble and the title in about two minutes, so now is your chance.

Mr. MUTCH: Mr. Chairman, there is one matter which I personally propose to raise, but I do not propose to raise it in the committee. As far as I am concerned I will reserve my remarks for the bill in the House.

The CHAIRMAN: Shall the preamble carry?

Carried.

Shall the title carry?

Carried.

Shall I report the bill as amended?

Carried.

The committee is adjourned.

—The committee adjourned.

